

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JOSELYN X. QUIÑONES ALAMO Plaintiff Vs. INNOVATIVE P.R. LLC, DAVID HARGETT, JOHN DUE AND UNKNOWN DEFENDANTS Defendants	CIVIL NO. About: EMPLOYMENT RETALIATION AND PREGNANCY DISCRIMINATION PLAINTIFF REQUEST TRIAL BY JURY
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COMPLAINT

TO THE HONORABLE COURT:

APPEARS NOW Plaintiff **Joselyn X. Quiñones Alamo**, through the undersigned legal representation and before this Honorable Court respectfully states, alleges and request as follows:

JURISDICTION AND VENUE

The Court has Federal question jurisdiction over this lawsuit because the action arises under section 701 of the Civil Rights Act of 1964 as amended, 42USCsec.2000e(k), that prohibits sex discrimination on the basic of pregnancy.

Venue is proper in this district under 28 U.S.C. §1331(a)(2) because a substantial part of the events or omissions giving rise to this claim occurred in this district.

Plaintiff also invoke against Defendant section 4 of the Act 3 of March 13, 1942 as amended, that prohibits employment discrimination of women on the basis of pregnancy and Act 100 of June 30, 1959, as amended (29 L.P.R.A. §146

et. seq.), that prohibits gender discrimination, both statutes of the Commonwealth of Puerto Rico, invoked under the supplemental jurisdiction principle in the interest of judicial efficiency and economy.

Plaintiff also invoke against defendant a “retaliation” complaint based on several federal courts’ decisions, including the Supreme Court of the United States of America, that have held that various anti-discrimination statutes contains and implied cause of action for retaliation based in the general prohibition against intentional discrimination. See, e.g., Jackson, 544 U.S. at 173 (“Retaliation against a person because that person has complained of sex discrimination is another form of intentional sex discrimination encompassed by Title IX’s private cause of action”). A statute that prohibits intentional discrimination implicitly prohibits acts of retaliation for complaints about or opposition to discrimination. See *Sullivan v. Little Hunting Park, Inc.*, 396 U.S. 229, 237 (1969) (a prohibition on racial discrimination includes an implicit prohibition on retaliation against those who oppose the discrimination); *CBOCS West, Inc. v. Humphries*, 553 U.S. 442, 451 (2008) (a race discrimination statute encompasses retaliation actions as Congress and long line of precedent intended); *Gomez-Perez v. Potter*, 553 U.S. 474, 479 (2008).

EXHAUTION OF ADMINISTRATIVE PRODECURES

Plaintiff timely filed a charge of discrimination against defendant, at the Employment Discrimination Unit of the Government of Puerto Rico on September 8, 2023, and received a notice of right to sue letter from the agency, pursuant to 42 U.S.C. 2000e-5(f). On January 22, 2024.

THE PARTIES

Plaintiff name is Joselyn X. Quiñones Alamo, with street and mailing address at Condominio Sagrado Corazón 505, Apt. 1201, San Juan, Puerto Rico 00915-3329, her telephone number (787) 210-7360 and email studiosisales@gmail.com

Defendant 1: Innovative PR LLC (“Innovative”) is a limited liability company with register number 43,4843, under the Department of State of the Government of Puerto Rico, with street and mailing address: Carr. PR 887 Km. 1 Hm. 1, Bo. Martin González, Carolina, PR 00987, and telephone number (951) 292-4657 and email is: dave@innovativecbd.com

Defendant 2: David Hargett (“Hargett”) whose street and mailing address is Urb. Laderas de San Juan, H10 c/Ortegon, San Juan, Puerto Rico 00926, his telephone number: (951) 375-1479 and email are: dave@innovativecbd.com is the principal owner and Director of Innovative PR LLC.

STATEMENT OF CLAIMS

Claim I: After obtaining a positive pregnancy test, Plaintiff find out she was pregnant on August 11, 2023. One week after obtaining the positive result, Plaintiff notified the same to defendant Hargett on August 14, 2023. On September 5, 2023, Plaintiff returned to her job with defendants after two weeks of rest recommended by her doctor due to complications of her pregnancy. Plaintiff notified to defendant Hargett her doctor’s certificate recommending rest from August 21 to September 1, 2023, prior to the period of rest. After returning

to her job at 8:00 am on September 5, 2023, plaintiff began to work on her duties of orders processing and collections. That day, around 10:00 a.m. Defendant Hargett call her to talk of certain “irregularities” he noticed in her job during the two weeks she was out of her job on pregnancy sickleave.

After talking with Plaintiff about the irregularities in her job, that included a 4-digit code that Plaintiff needed to do her job of processing and collection of orders, defendant Hargett told Plaintiff that he was terminating her employment and she no longer work for defendant Innovative, PR LLC.

With this discriminatory termination of employment, defendants caused Plaintiff harm and serious damages, that violated plaintiff's employment rights based in the federal and states statutes of employment discrimination on the basis of pregnancy previously mentioned.

Claim II: Retaliation as an intentional act of defendants, after Plaintiff filed a claim with the local unit of OSHA of the Labor Department of Puerto Rico on March 14, 2023, due to the lack of lighting in an area with stairs at the second floor of the building where defendant Innovative P.R. LLC company is located. Plaintiff used this stair every day and after mentioning to defendant Hargett of this safety problem every week since January 2023 without a solution, Plaintiff reported this safety hazard to the local unit to OSHA of the Labor Department of Puerto Rico on March 14, 2023.

After reporting this claim to OSHA, the behavior of Defendant, Hargett changed completely, his tone of voice was aggressive, provocative, adverse and hostile to Plaintiff. These actions provoked Plaintiff uncertainly in her job and continuous worry in the future of her job, the only income Plaintiff had.

DAMAGES

Since the date Plaintiff was terminated from her job on September 5, 2023, Plaintiff had suffered constant mental anguishes, anxiety and lost of income due to the unlawful actions of defendants. She lost her salary, her only source of income and nobody will employ her pregnant. After her child is born she has to wait at least two months to take care of her newborn in order to look for another employment and defendants discriminatory actions will hamper Plaintiff's opportunities to look for a new job. This damages and mental anguishes were directly caused by the unlawful and discrimination actions of defendants and are reasonably calculated in the amount of **TWO HUNDRED THOUSAND DOLLARS (\$200,000.00)** amount hereby requested to be paid by defendants.

Since the date Plaintiff filed a claim with OSHA on March 2023, until her date of termination of her employment with defendants, Plaintiff had suffered and continue suffering metal anguishes, anxiety and lost of income due to the intentional and unlawful acts of retaliation by defendants that are valued in the amount of **FIFTY THOUSAND DOLLARS (\$50,000.00)** amount hereby requested to be paid by defendants.

Therefore, Plaintiff is asking for a total of **TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00)** to compensate for her damages, plus attorney and legal expenses incurred in this action.

TRIAL BY JURY DEMANDED

Plaintiff demand a Jury Trial.

CERTIFICATION AND CLOSING

WHEREFORE, under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation and discovery and (4) the complaint otherwise complies with the requirements of Rule 11.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 11 day of March 2024.

s / Jose Durand Carrasquillo
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